

Subdivision Plan Preapplication/Sketch Plan Application

A preapplication/sketch plan must be submitted and shall show, in simple sketch form, neatly done, the proposed layout of streets, lots, and other features in relation to existing conditions (Section 213-6.B. and, if a proposed cluster development, Section 140-36). The preapplication/sketch plan shall include the existing data listed below:

	Check when completed	
	Applicant	Applicant
I. SUBDIVISION PLAN DRAWINGS AND MAPS showing or accompanied by the following information:		
A. Subdivision Plan drawings		Sheet #3
1. Number and date all sheets and provide space for revision dates	X	✓
2. Show all dimensions in feet and decimals, drawn to a scale of not more than one hundred (100) feet, preferably forty (40) feet, to the inch	X	✓
3. Layout of lots and other features in relation to location of open drainage courses, wetlands, stone walls, graveyards, fences, stands of trees, and other important or unique natural areas and site features, including but not limited to floodplains, deer wintering areas; significant wildlife habitats, fisheries, scenic areas; habitat for rare and endangered plants and/or animals; unique natural communities and natural areas; sand and gravel aquifers; and historic and/or archaeological resources; together with a written description of such features (Section 213-6.B.)	X	✓
4. Boundary lines (Section 213-6.B.1.)	X	✓
5. Location and width of existing and proposed easements (Section 213-6.B.2.)	X	✓
6. Location, name, and right-of-way width of existing and proposed streets on and adjacent to the property (Section 213-6.B.3.)	X	✓
7. Walks, curbs, gutters, culverts and other known and located underground structures, within and immediately adjacent to property (Section 213-6.B.4.)	X	✓
8. Utilities (Section 213-6.B.5.)	X	✓
a. Location and size of proposed and existing sewer and water mains		✓
b. Location of fire hydrants, electric, and telephone poles	X	✓
c. Location of proposed and existing streetlights	X	✓
9. Soil test data, accompanied by a written description, identified as EXHIBIT 1 , adequate to show that the subsurface soil conditions on the tract will accommodate the proposed development (Section 213-6.B.6.)	X	✓
10. Existing land use on and adjacent to the property (Section 213-6.B.7)	X	
11. Show the entire parcel(s) and zoning on and adjacent to property	X	✓

Sw. land
have
plan

Adjacent
Land Use
not shown

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Approved _____
Amended _____

	Check when completed	
	Applicant	Applicant
12. Location of temporary markers adequate to enable the Planning Board to locate readily and appraise the basic layout of the site in the field (Section 213-8.B.13.)	X	
B. Title Block		✓
1. Identify plan as "Subdivision Plan", "Amended" if applicable	X	✓
2. Name of the project (Section 213-6.B.8.)	X	✓
3. Name(s) and address(es) of owner(s) of record and applicant (Section 213-6.B.8.)	X	✓
4. Name(s) and address(es) of plan designer(s)	X	✓
C. Plan References		✓
1. North arrow (using Maine State Grid) (Section 213-6.B.8.)	X	✓
2. Graphic map scale (Section 213-6.B.8.)	X	✓
3. Purpose of existing and proposed easements (Section 213-6.B.2.)	X	✓
4. Names of adjoining property owners (Section 213-6.B.8.)	X	
5. Name(s) and address(es) of plan designer(s)	X	✓
D. Utility Notes		✓
If sewer or water mains are not on or adjacent to the site, indicate the distance to and size of nearest mains (Section 213-6.B.5.)	X	✓
E. Additional Information Notes		✓
Any additional or general plan notes	X	✓
II. GENERAL INFORMATION		
A. Existing zone(s) of the site: <u>Contract</u>	X	✓
Shoreland District Yes <u>X</u> No <u> </u> Type <u> </u>	X	✓
Overlay District Yes <u> </u> No <u> </u> Type <u> </u>	X	NA
Contract Yes <u>X</u> No <u> </u> Date Approved <u>6/01/05</u>	X	✓
B. Attach, as <u>EXHIBIT 2</u>, summary list and copies of all existing covenants (Section 213-6.C.1.), easements, or other burdens for this property. Reference each easement to the plan or drawing on which it is shown.	X	✓
C. Attach, as part of <u>EXHIBIT 1</u>, a medium intensity standard soil survey (Section 213-6.C.2.)	X	
D. Attach, as <u>EXHIBIT 3</u>, a written description of available community facilities and utilities (Section 213-6.C.3.)	X	✓
III. PROJECT DESCRIPTION		
A. Attach, as <u>EXHIBIT 4</u>, a written description of the overall project, including number of lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants, and proposed utilities and street improvements (Section 213-6.C.4.)	X	✓
B. Name, approval date, amendment date, and lot number (if applicable) of previously approved subdivision (if applicable)	NA	NA

Measure
of
Status

See Exhibit
1

VIL_RESP01471

Approved _____
Amended _____

4. Subdivision Application Plan to Subdivision Status Plan

TOWN OF WINDHAM, MAINE
SITE PLAN APPLICATION FORM – Preapplication/Sketch Plan
(Ordinance Section 140-38 A-C)


The preapplication/sketch plan application shall include fifteen (15) copies of each plan, map, or drawing, and any related information, which shall be printed or reproduced on paper.

	Check when completed	
	Applicant	Staff
Name of Applicant: HRC – Village at Little Falls, LLC. c/o Steve Etzel	X	✓
Mailing Address: 2 Market Street, Portland, Maine 04101	X	✓
Phone: 207-772-7219	X	✓
FAX: 207-772-7011	X	✓
Email: setzel@questorco.com	X	✓
Name of Project: Village at Little Falls	X	✓
Street Address: Route 202, Windham, Maine	X	✓
Proposed Use: Residential Condominiums	X	✓
Amendment to previously approved site plan? Yes _____ No <u>X</u>	X	✓
Total acreage of parcel(s): 8.03 ac	X	✓
Zone (check all that apply)	X	✓
<input type="checkbox"/> Resource Protection <input checked="" type="checkbox"/> General Shoreland Development		
<input type="checkbox"/> Limited Residential <input checked="" type="checkbox"/> Stream Protection		
<input type="checkbox"/> Aquifer Protection Overlay <input type="checkbox"/> Industrial Park Overlay		
<input type="checkbox"/> Farm <input type="checkbox"/> Farm Residential		
<input type="checkbox"/> Light Density Residential <input type="checkbox"/> RM Medium Residential		
<input type="checkbox"/> Commercial I <input type="checkbox"/> Commercial II		
<input type="checkbox"/> Commercial III <input type="checkbox"/> Industrial		
<input type="checkbox"/> Enterprise Development <input checked="" type="checkbox"/> Contract; Date Approved 6/01/05		
Conditional Use Yes _____ No <u>X</u>	X	✓
Special Exception Yes _____ No <u>X</u>	X	✓
The Town will correspond with only one contact person/agent for this project. Please provide the requested information regarding the contact person/agent.		
Contact person/agent: Northeast Civil Solutions, Inc. c/o Lee Allen, PE	X	✓
Mailing Address: 153 US Route One, Scarborough, Maine 04074	X	✓
Phone: 207-883-1000	X	✓
Cell: 207-210-7726	X	✓
FAX: 207-883-1001	X	✓
Email: lee.allen@northeastcivilsolutions.com	X	✓

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Approved _____
Initialed _____

– to be initialed by the Planning Board

I certify that I received and read the PLANNING BOARD APPLICATION PROCEDURES AND REQUIREMENTS and that all the information in this application form and accompanying materials is true and accurate to the best of my knowledge.		
Signature of Applicant (If signed by applicant's agent, provide written documentation of authority to act on behalf of applicant.) 	X	✓
Print or type name and title of signer Lee Allen, P.E. Project Manager	X	✓
Date Prepared March 2, 2007	X	✓

Site Plan Preapplication/Sketch Plan EXHIBIT CHECKLIST

Please mark each exhibit in the application as follows:

EXHIBIT	1	Project Description - See SD- Ex #4
EXHIBIT	2	Covenants and Easements - SD Ex. #2 + Sheet 3
EXHIBIT	3	Access to the Property ✓
EXHIBIT	4	Soils - See Exhibit #1 of SD
EXHIBIT	5	Right, Title, or Interest - See Ex. #6 of SD
EXHIBIT	6	Corporate or Partnership Status - See Ex. #7 of SD
EXHIBIT	7	Community Facilities and Utilities - See Ex. #3 of SD

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Site Plan Preapplication/Sketch Plan Application

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	Check when completed	
	Applicant	Staff
I. PROJECT DESCRIPTION		
Attach, as EXHIBIT 1 , a written description of the overall project, including:	X	✓
A. objectives and proposed uses of property		
B. name, approval date, amendment date, and lot numbers of previously approved subdivision the site plan is in (if applicable)	X	NA
C. Assessor's Office Tax Map(s) and Lot Number(s)	X	✓
D. Existing land use	X	✓
II. Section 140-38.A.1-8.		
A. Boundary lines	X	✓
B. Attach, as EXHIBIT 2 , summary list and copies of all existing covenants, easements, or other burdens for this property. Reference each easement to the plan or drawing on which it is shown.	X	✓
C. Show the entire parcel(s), plus streets, private ways or roads, on and adjacent to property. Include name and right-of-way width and location on any property proposed for development. If access to the site is proposed on or off a private way or private road, attach, as EXHIBIT 3 , a title opinion, meeting generally acceptable standards, proving right of access to the site.	X	NA
D. Walks, curbs, gutters, culverts and other known and located underground structures, within and immediately adjacent to property	X	✓
E. Existing utilities on or adjacent to the tract:	X	✓
1. Location and size of all proposed and existing sewer and water mains. If mains are not on or adjacent to the site, indicate the distance to and size of nearest mains.		
2. Location of fire hydrants, electric, and telephone poles	X	✓
3. Location of proposed and existing streetlights	X	✓
4. Location of proposed and/or existing water or sewer lines. If proposed and/or existing water and sewer mains are not on or adjacent to the tract, indicate the distance to and size of nearest ones.	X	✓
5. Location of existing and proposed wells, septic systems, and subsurface drainage systems on and adjacent to property	X	
F. Attach as EXHIBIT 4 a medium intensity soils report, including a written description of soil test data and interpretation of engineering properties that show conditions on the property will accommodate the proposed development.	X	

See SD Exhibit #1

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Approved _____
Signed _____

Application for a Site Plan Preapplication/Sketch Plan

	Check when completed	
	Applicant	Staff
III. SITE PLAN DRAWINGS AND MAPS showing or accompanied by the following information:		
A. Site Plan drawings		
1. Number and date all sheets (Section 140-38.A.9.) and provide space for revision dates	X	✓
2. Show all dimensions in feet and decimals, drawn to a scale of not more than one hundred (100) feet, preferably forty (40) feet, to the inch	X	✓
B. Title Block	X	✓
1. Identify plan as "Site Plan", "Amended" if applicable	X	✓
2. Name of the project (Section 140-38.A.8.)	X	✓
3. Name(s) and address(es) of owner(s) of record and applicant (Section 140-38.A.9.)	X	✓
4. Name(s) and address(es) of plan designer(s)	X	✓
C. Plan References		
1. North arrow (using Maine State Grid) (Section 140-38.A.9.)	X	✓
2. Graphic map scale (Section 140-38.A.9.)	X	✓
D. Zoning Notes		✓
1. Zoning district(s). If site is transected by a zone line or if zone line is within fifty (50) feet of the boundaries of the site, designation of that zone line.	X	
2. Total land area of property in number of square feet and in acres	X	
E. Natural Resource Notes		
Notes regarding important or unique natural areas and site features.	X	✓
F. Utility Notes		
1. Notes regarding utilities serving or proposed for the site	X	✓
2. Show the entire parcel(s), plus owner(s), land use, and zoning on and adjacent to property	X	
G. Additional Information Notes		
Any additional or general plan notes	X	✓
H. Location, dimensions, and shape of existing and proposed buildings (Section 140-38.B.)	X	
I. Location and dimensions of parking areas, loading and unloading facilities, driveways, fire lanes, and access points (Section 140-38.B.)	X	✓
J. Location of existing covenants (Section 140-38.B.1.)	X	✓
K. Soils, described in EXHIBIT 4 above (Section 140-38.B.2.)	X	✓
L. Available community facilities and utilities (Section 140-38.B.3.)	X	✓
M. Location of temporary markers adequate to enable the Planning Board to locate readily and appraise basic layout in the field (Section 140-38.A.10.)	X	

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Proposed Elevations not Submitted

Unsure of Status

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Approved
Amended

Submitted by: [Signature]

	Check when completed	
	Applicant	Staff
IV. LOCATION MAP		
A location map:	X	
A. drawn at scale of not more than four hundred (400) feet to the inch to show the relation of the proposed site plan to the adjacent properties and the general surrounding area within two hundred fifty (250) feet of property lines of the site (Section 140-38.C.)		
B. existing subdivisions and tract lines (Section 140-38.C.)	X	NA
C. location, widths, and names of existing, filed, or proposed streets, easements, building lines, and alleys on-site and on adjacent properties	X	
D. names of adjoining property owners (Section 140-38.A.9.)	X	
E. boundaries and designations of parks and other public spaces (Section 140-38.C.)	X	NA
F. outline of site plan and its street system and an indication of the future probable street system for remainder of tract, if the site plan covers only part of applicant's holding (Section 140-38.C.).	X	✓
V. RIGHT, TITLE, OR INTEREST		
A. Name, mailing address, phone, and fax number (if available) of record owner of the site	X	✓
Name HRC – Village at Little Falls	X	✓
Address: 2 Market Street, Portland, Maine 04101	X	✓
Phone: 207-772-7219	X	✓
FAX : 207-772-7011	X	✓
B. Attach, as <u>EXHIBIT 5</u> , evidence of applicant's right, title, or interest in the site including a complete copy of the:	X	✓
• applicant's deed, financial information may be deleted <u>or</u>		
• applicant's right or interest in the site <u>and</u> the current owner's deed for the site (if not already in applicant's ownership)		
Cumberland County Register of Deeds Book <u>20753</u> Page <u>21</u> and Deeds Book <u>24617</u> Page <u>165</u>	X	✓
C. <u>If</u> applicant is not an individual, attach as <u>EXHIBIT 6</u> , evidence of corporate or partnership status	X	✓
D. If applicant has interest in abutting property(s), identify by Tax Office's Map and Lot number(s) Map _____ Lot _____ Map _____ Lot _____ Map _____ Lot _____ Map _____ Lot _____	NA	NA
VI. COMMUNITY FACILITIES AND UTILITIES		
Attach, as <u>EXHIBIT 7</u> , a written description of available community facilities and utilities	X	✓

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STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JOHN ELIAS BALDACCI
GOVERNOR

DAVID P. LITTELL
COMMISSIONER

Dear Permit Holder:

Please find enclosed your land use permit. The permit is presented in a format that includes findings of fact relevant to the criteria of the law under which the permit is issued, conclusions based on those facts and conditions of approval. Please carefully read your permit, especially the conditions of approval. If an error has occurred, please let us know and a corrected Order will be issued.

Appeal procedures have been enclosed for your information. Project modifications, condition compliance, and transfer are available upon request. Please call the nearest regional office to obtain those applications.

If we can be of additional service to you, let us know. Please write or call if you need more information.

Sincerely,

JEFFREY G. MADORE, Director
Division of Land Resource Regulation
Bureau of Land & Water Quality

APPPACKE

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST.

BANGOR
106 HOGAN ROAD
BANGOR, MAINE 04401
(207) 941-4570 FAX: (207) 941-4584

PORTLAND
312 CANCO ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6303

PRESQUE ISLE
1235 CENTRAL DRIVE
PRESQUE ISLE, MAINE 04769-2094
(207) 764-0477 FAX: (207) 760-3143

VIL-RESP01478



DEP INFORMATION SHEET

Appealing a Commissioner's Licensing Decision

Dated: May 2004

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's (DEP) Commissioner: (1) in an administrative process before the Board of Environmental Protection (Board); or (2) in a judicial process before Maine's Superior Court. This INFORMATION SHEET, in conjunction with consulting statutory and regulatory provisions referred to herein, can help aggrieved persons with understanding their rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

DEP's *General Laws*, 38 M.R.S.A. § 341-D(4), and its *Rules Concerning the Processing of Applications and Other Administrative Matters* (Chapter 2), 06-096 CMR 2.24 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written notice of appeal within 30 calendar days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner and the applicant a copy of the documents. All the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

The materials constituting an appeal must contain the following information at the time submitted:

1. *Aggrieved Status.* Standing to maintain an appeal requires the appellant to show they are particularly injured by the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.

VIL_RESP01479

5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence as part of an appeal only when the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or show that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2, Section 24(B)(5).

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license file is public information made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* An applicant proceeding with a project pending the outcome of an appeal runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge initiation of the appeals procedure, including the name of the DEP project manager assigned to the specific appeal, within 15 days of receiving a timely filing. The notice of appeal, all materials accepted by the Board Chair as additional evidence, and any materials submitted in response to the appeal will be sent to Board members along with a briefing and recommendation from DEP staff. Parties filing appeals and interested persons are notified in advance of the final date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision. The Board will notify parties to an appeal and interested persons of its decision.

II. APPEALS TO MAINE SUPERIOR COURT

Maine law allows aggrieved persons to appeal final Commissioner licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2.26; 5 M.R.S.A. § 11001; & MRCivP 80C. Parties to the licensing decision must file a petition for review within 30 days after receipt of notice of the Commissioner's written decision. A petition for review by any other person aggrieved must be filed within 40-days from the date the written decision is rendered. The laws cited in this paragraph and other legal procedures govern the contents and processing of a Superior Court appeal.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, contact the DEP's Director of Procedures and Enforcement at (207) 287-2811.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

VIL_RESP01480



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
STATE HOUSE STATION 17 AUGUSTA, MAINE 04333

DEPARTMENT ORDER

IN THE MATTER OF

H.R.C. – VILLAGE AT LITTLE FALLS, L. L. C.) SITE LOCATION OF DEVELOPMENT ACT
Windham, Cumberland County) NATURAL RESOURCES PROTECTION ACT
VILLAGE AT LITTLE FALLS) WETLAND OF SPECIAL SIGNIFICANCE
L-23637-87-A-N (approval)) WATER QUALITY CERTIFICATION
L-23637-2G-B-N) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 et seq. and 480-A et seq., and Section 401 of the Federal Water Pollution Control Act, the Department of Environmental Protection has considered the application of H.R.C. – VILLAGE AT LITTLE FALLS, L. L. C. with the supportive data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

1. PROJECT DESCRIPTION:

A. Summary: The applicant proposes to construct an 85-unit condominium development with associated improvements on an 8.03-acre parcel of land. The proposed project includes two 12-unit apartment buildings, nine duplexes, nine porch-style units, 33 townhouse units, and one single-family residence. The proposed project is shown on a set of plans, the first of which is entitled "Cover/Index/Locus Map/Zoning – Village at Little Falls," prepared by Northeast Civil Solutions, and dated June 1, 2007, with a last revision date of July 11, 2007. The project site is located between Depot Street and the Presumpscot River in the Town of Windham.

The proposed project triggers the "structure" threshold of the Site Location of Development Law ("Site Law," 38 M.R.S.A. § 482). The Town of Windham has delegated review authority pursuant to 38 M.R.S.A. § 489-A to conduct Site Law reviews of certain developments that would otherwise require Department review. However, the local reviewing authority requested that the Department review the proposed project.

The applicant is also seeking approval under the Natural Resources Protection Act (N.R.P.A.) to remove an abandoned mill building adjacent to the Presumpscot River and restore the river bank. Since a portion of the building was constructed over the river, this activity will result in the alteration of approximately 4,800 square feet of the river. A majority of the existing wall of the building will be removed, and the area will be regraded to in order to establish a vegetated river bank. A small section of the wall will be left in place to support an existing power plant. Other N.R.P.A. activities proposed by the applicant include filling in a small, artificially-created drainage channel (740 square

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feet) and constructing stormwater outfall pipes within 75 feet, but not below, the 100-year flood elevation of the river.

B. Current Use of Site: An abandoned mill building and associated piles of debris occupy the site. The building was originally used as a pulp mill and later used as a steel mill. It is located directly on the Presumpscot River and is constructed on a pile-type foundation to allow the river to flow under the western end of the building. The building was abandoned in the late 1980's. The site is immediately downstream of an existing hydro-electric dam owned by Sappi, Inc.

2. FINANCIAL CAPACITY:

The total cost of the project is estimated to be \$10,000,000. The applicant stated that the project will be self-financed. Hudson Realty Capital Fund III, L. P. is the owner of HRC – Village at Little Falls, L. L. C. The applicant submitted a Balance Sheet for Hudson Realty Capital Fund III, L. P., dated December 31, 2006, which indicates that the company's total assets are well in excess of the proposed project's cost estimate.

The Department finds that the applicant has demonstrated adequate financial capacity to comply with Department standards.

3. TECHNICAL ABILITY:

The applicant provided a list of projects successfully constructed by the applicant. The applicant also retained the services of Northeast Civil Solutions, a professional engineering firm, to assist in the design and engineering of the project.

The Department finds that the applicant has demonstrated adequate technical ability to comply with Department standards.

4. NOISE:

The Department finds that no regulated sources of noise have been identified.

5. SCENIC CHARACTER:

The project site currently contains a dilapidated industrial building. The building will be removed from the site and the river bank will be restored to a more natural, vegetated state. The proposed development was designed to match the village character of the surrounding neighborhood.

Based on the project's location and design, the Department finds that the proposed project will not have an unreasonable adverse effect on the scenic character of the surrounding area.

6. WILDLIFE AND FISHERIES:

The Maine Department of Inland Fisheries & Wildlife (MDIFW) reviewed the proposed project. In its comments, MDIFW stated that it found no records of any Essential or Significant Wildlife Habitats, or other wildlife habitats of special concern associated with this site.

The project site is located just downriver from an existing housing development and hydroelectric dam. A portion of the land directly adjacent to the Presumpscot River is owned by an abutter, Sappi Paper. A fisheries biologist from MDIFW commented that the Presumpscot River supports a variety of coldwater and warmwater fisheries, including some non-game fish populations. MDIFW recommended that a 100-foot wide vegetated buffer be provided to minimize impacts to the river and protect riparian functions, particularly in the area where the existing mill building is to be removed. The applicant responded to these concerns by revising the plans to provide a minimum 75-foot wide vegetated buffer on the project site. The only permanent structures within the 75-foot buffer will be three stormwater outfall pipes with associated riprap aprons and a portion of a subsurface stormwater system. The applicant submitted a river bank stabilization and planting plan (Sheet L1 of the set of plans referenced in Finding 1, last revised July 11, 2007) depicting the proposed improvements. Given the heavily developed nature of the site; the removal of the mill building, the stabilization of existing erosion problems, and the re-vegetation of the river bank are anticipated to provide immediate and long-term water quality benefits to the fishery.

The buffer will be located in a common area. Once the buffer is stabilized and planted, it should remain undisturbed, and be maintained first by the applicant and subsequently by the condominium owners association. Some disturbance of the buffer may be necessary in the future where a portion of the subsurface stormwater system is located within the buffer in the unlikely event that maintenance of the chamber system is required. However, the isolator row, which will require regular maintenance as discussed in Finding 10, is located outside the buffer.

Prior to occupancy of the first new building, the location of the river buffer must be permanently marked on the ground. The deed for the common area must contain deed restrictions relative to the buffer and have attached to it a plot plan for the area, drawn to scale, that specifies the location of the buffer. Prior to occupancy of the first new building, the applicant must submit a copy of the recorded deed restrictions, including the plot plan, to the BLWQ.

The Department finds that the applicant has made adequate provision for the protection of wildlife and fisheries with the establishment of a 75-foot wide vegetated buffer adjacent to the Presumpscot River.

7. HISTORIC SITES AND UNUSUAL NATURAL AREAS:

The Maine Historic Preservation Commission (MHPC) reviewed the proposed project and requested a Phase II Archaeological Survey of the site. The applicant submitted a report of the survey, prepared by NEA and dated June 2007. MHPC reviewed the report and stated, in a letter dated June 27, 2007, that the proposed project will have no effect upon any structure or site of historic, architectural, or archaeological significance as defined by the National Historic Preservation Act of 1966.

The Maine Natural Areas Program database does not contain any records documenting the existence of rare or unique botanical features on the project site and, as discussed in Finding 6, MDIFW did not identify any unusual wildlife habitats located on the project site.

The Department finds that the proposed development will not have an adverse effect on the preservation of any historic sites or unusual natural areas either on or near the development site.

8. BUFFER STRIPS:

A vegetated buffer adjacent to the Presumpscot River will be established as discussed in Finding 6.

The Department finds that the applicant has made adequate provision for buffer strips.

9. SOILS:

The applicant submitted soil survey information and a geotechnical report based on the soils found at the project site. This report was prepared by a registered professional engineer and reviewed by staff from the Division of Environmental Assessment (DEA) of the Bureau of Land and Water Quality (BLWQ). DEA also reviewed a Blasting Plan (dated March 19, 2007) submitted by the applicant and outlining the proposed procedures for removing ledge material from the project site. The applicant submitted additional information related to the blasting location map. DEA reviewed this additional information and commented that the applicant adequately addressed its concerns.

If a rock crusher will be utilized on site during construction, the applicant must insure that the crusher is licensed by the Department's Bureau of Air Quality and is being operated in accordance with that license.

The Department finds that, based on the soil information, geotechnical report, Blasting Plan, and DEA's review, the soils on the project site present no limitations to the proposed project that cannot be overcome through standard engineering practices.